

## REMARKS

In response to the Office Action dated June 9, 2009, claims 22-25 and 27-32 have been amended. Claims 22-35 are pending in the application.

In paragraph 4 on page 2 of the Office Action, claims 22-27, 33 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Terreault.

In paragraph 6 on page 6 of the Office Action, claims 28-32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Pandya.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 22 sets forth receiving, at a monitor and control unit, status from a head-end relating to operations of head-end elements providing content to terminals within a coverage area of a head-end, receiving, at the monitor and control unit, identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end from the monitor and control unit, processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive the status, forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end.

In contrast, Terreault merely describes a system that includes a control computer for monitoring reverse paths to detect and analyze ingress signals. A control computer generates control data indicative of the communication line corresponding to the ingress path to be

monitored. The control computer generates diagnostic sequence control data for the monitoring instrumentation also used to determine source characteristics of the ingress signal.

However, Terreault fails to disclose, teach or suggest receiving at a monitor and control unit information regarding remote devices, i.e., the identity, type and capability of remote devices. Terreault indicates that a field technician may take control over a spectrum analyzer 67 for field troubleshooting. Nevertheless, Terreault does not mention providing identity, type and capability of remote devices to the control computer.

Terreault also fails to disclose, teach or suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive such status. Again, Terreault fails to even mention the capabilities of remote devices. Thus, Terreault does not suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices.

Terreault further fails to disclose, teach or suggest forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end. Terreault is not even concerned with sending status to remote devices.

Thus, Terreault fails to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Pandya fails to overcome the deficiencies of Terreault. Pandya is merely cited as monitoring status of buffers for encoding data, multiplexing transport streams and bit rates for a plurality of data being provided at the head-end. However, Pandya fails to disclose, teach

or suggest receiving at a monitor and control unit information regarding remote devices, i.e., the identity, type and capability of remote devices. Pandya does not mention providing identity, type and capability of remote devices to the control computer.

Pandya also fails to disclose, teach or suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive such status. Again, Pandya fails to even mention the capabilities of remote devices. Thus, Pandya does not suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices.

Pandya further fails to disclose, teach or suggest forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end. Pandya is not even concerned with sending status to remote devices.

Thus, Terreault and Pandya, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Dependent claims 23-35 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 22. Further dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 23-35 are patentable over the cited references.

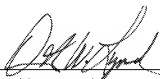
On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-2903  
865-380-5976



By:   
Name: David W. Lynch  
Reg. No.: 36,204